

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of

**Petitions Pursuant to Section 706 of the
Telecommunications Act of 1996
for Removal of State Barriers to
Broadband Investment**

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WC Docket No. 14-115 (Wilson)

COMMENTS OF MOMENTUM TELECOM, INC.

I. INTRODUCTION

Momentum Telecom, Inc. ("Momentum") submits these comments in support of the Petition of the City of Wilson, North Carolina ("Wilson")¹ filed on July 24, 2014 and released for public comment on July 28, 2014, in the above-captioned proceedings.

II. STATEMENT OF SUPPORT

For the reasons set forth in Wilson's Petition, Momentum urges the Commission to preempt North Carolina laws to the extent requested in the Petition.

A. Congress Provided the FCC the Authority to Preempt

Through Section 706(a) of the Telecommunications Act of 1996, Congress has given both the Commission and the states broad authority and discretion to determine when, where, and how to ensure that "all Americans have access to advanced telecommunications capabilities "on a reasonable and timely basis."² In Section 706(b), Congress also required the Commission to take affirmative action to acquire information about the pace of deployment of

¹ See Petition Pursuant to Section 706 of the Telecommunications Act of 1996 for Removal of State Barriers to Broadband Investment and Competition, filed by City of Wilson, North Carolina, WC Docket No. 14-115 (filed July 24, 2014) (Wilson, NC Petition).

² Wilson, NC Petition at pages 3-5.

advanced telecommunications capabilities, to decide whether such deployment was occurring on a reasonable and timely basis, and, if the Commission ever answered that question in the negative, to act immediately to remove barriers to infrastructure investment and to promote competition.³

B. Local Communities Must be Able to Make Their Own 21st Century Broadband Infrastructure Deployment Choices

In today's global knowledge-based economy, all local communities recognize that access to modern broadband Internet infrastructure is essential to enable economic and democratic activity. Modern broadband Internet infrastructure is the lifeblood of our 21st century global knowledge economy. As a small business partner to the City of Wilson, we have seen first-hand their commitment to providing leading edge technology with exceptional support and knowledge. They are a first class organization delivering superior services to their constituents. We believe it would benefit more people to allow Wilson to expand.

C. North Carolina's Section 160A-340 Must Be Preempted in its Entirety

As Wilson has articulated in its Petition, Section 160A-340 should be preempted in its entirety.⁴ The law contains multiple tiers of barriers and restrictions (including among others rate regulations, limited funding options, and census-block speed litmus tests) so that removing one (such as the geographical service area limit) would not be sufficient.

III. CONCLUSION

For these reasons, Momentum supports the Commission's removal of artificial state barriers to broadband infrastructure investment, deployment, competition, and innovation and urges the Commission to grant the relief requested by the City of Wilson.

³ Wilson, NC Petition at page 5.

⁴ Wilson, NC Petition at pages 25-39.

Respectfully submitted by,

Charles E. Richardson III *by permission*
JR

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